

REMARKS

This is intended as a full and complete response to the Office Action dated December 14, 2007, having a shortened statutory period for response set to expire on March 14, 2008. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-32 are pending in the application. Claims 1-15 remain pending following entry of this response. Claims 1-6 and 9-10 have been amended. Claims 16-32 have been cancelled. New claims 33-43 have been added to recite aspects of the invention. Applicant submits that the amendments and new claims do not introduce new matter.

Interview Summary

On March 12, 2008, a telephonic interview was held between John Garza, Applicant's representative, and James W. Myhre, the Examiner. The parties discussed the cited references including *Henson*. The parties also discussed proposed amendments to the claims. The proposed amendments are reflected in this response. No agreement could be reached at the time of the interview, but the Examiner agreed to further consideration in light of amendments submitted in this response.

Claim Rejections - 35 U.S.C. § 102

Claims 1-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Henson*, US 6,167,383 (hereinafter "*Henson*").

Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051,

1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Henson* does not disclose "each and every element as set forth in the claim". For example, *Henson* does not disclose a computer-implemented method of cross-selling products based on a system for sale to a customer that includes *presenting the one or more cross-sell products to the user, wherein each of the one or more cross-sell products presented to the user is offered at a discount based on the state of the system*, as recited in the original (unamended) claim 1. The original claim 9 includes a similar limitation. Applicant submits that *Henson* does not disclose offering cross-sell products at any kind of discount, much less at a discount based on a state of a system. Thus, Applicant respectfully requests that *Henson* does not disclose "each and every element as set forth in the claim".

Applicant believes that, for the above reasons, the original unamended claims 1 and 9 are allowable. However, in the interest of facilitating prosecution, Applicant has amended these claims to clarify aspects of the invention. While the arguments made above with respect to references as applied to the original claims are still applicable, the amendments provide additional clarification in support of these arguments. Therefore, Applicants respectfully request that claims 1 and 9, as well as their dependents, be allowed. Further, Applicant has cancelled claims 16-32, thereby obviating the rejection with respect to these claims.

For the foregoing reasons, applicants respectfully submit that *Henson* does not teach "each and every element" of the recited claims. Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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